

UNITED STATES DISTRICT COURT

NORTHEAST DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

JUAN CUEVAS,

Plaintiff,

vs.

ALTAS REALTY/FINANCIAL SERVICES,
INCORPORATED, a California corporation,
D/B/A ATLAS REATY, D/B/A ATLAS
FINANCIAL SERVICES, ALVIN CLAIR
SILBERNAGEL, SAMANTHA TREVINO,
WORLD SAVINGS, INC., D/B/A WORLD
SAVINGS BANK, FSB, and DOES 1 through 100
inclusive

Defendants.

) Case No.: 5:07-cv-02814(JF)

) Complaint Filed: 05/30/2007

) Assigned to: Hon. Jeremy Fogel

) Referred to: Magistrate Judge Patricia V. Trumbull

) Courtroom: 3 – Fifth Floor

) **[PROPOSED] ORDER ON DEFENDANTS,**
) **ALVIN C. SILBERNAGEL D/B/A ALTAS**
) **REALTY D/B/A ATLAS FINANCIAL**
) **SERVICES, ALVIN SILBERNAGEL AND**
) **SAMANTHA TREVINO’S MOTION TO**
) **DISMISS PURSUANT TO F.R.C.P. SECTION**
) **12(b)(1)**

) Date: 11/14/2007

) Time: 9:00 a.m.

) Courtroom 3: 5th Floor

Defendants, ALVIN C. SILBERNAGEL D/B/A ALTAS REALTY D/B/A ATLAS FINANCIAL
SERVICES (erroneously sued herein as ALTAS REALTY/FINANCIAL SERVICES, INCORPORATED,
a California Corporation, dba ATLAS REALTY DBA ATLAS FINANCIAL SERVICES), ALVIN CLAIR
SILBERNAGEL, AND SAMANTHA TREVINO’S (“Moving Parties”) Motion to Dismiss Pursuant to

1 *F.R.C.P.* Section 12(b)(6) came on for hearing on **November 16, 2007 at 9:00 a.m. in Courtroom 3** of the
2 above-captioned Court located at 280 South 1st Street, San Jose, CA 95113.

3 The Court Orders as follows:

4 Moving Parties' Motion to Dismiss with prejudice is granted in accordance with *Federal Rules*
5 *of Civil Procedure*, section 12(b)(1).
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8 DATED:

9 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my present address is: 6345 Balboa Boulevard, Suite 257, Encino, California 91316.

On October 10, 2007 I served the foregoing document described as **[PROPOSED] ORDER ON DEFENDANTS, ALVIN C. SILBERNAGEL D/B/A ALTAS REALTY D/B/A ATLAS FINANCIAL SERVICES, ALVIN SILBERNAGEL AND SAMANTHA TREVINO'S MOTION TO DISMISS PURSUANT TO F.R.C.P. SECTION 12(b)(1)** on the parties by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

XX BY EMAIL to the parties as set forth on the Service List attached hereto.

BY OVERNIGHT EXPRESS DELIVERY. I deposited it in a box or other facility regularly maintained by FEDERAL EXPRESS, or delivered it to a driver or courier authorized by FEDERAL EXPRESS to receive documents, in an envelope designated by FEDERAL EXPRESS, with deliver fees provided for, and with delivery requested for the next business day.

BY FACSIMILE TRANSMISSION, by use of facsimile machine telephone number (818) 345-1265, in accordance with Code of Civil Procedure §1013(e) and California Rules of Court 2.306, to the within parties at the facsimile number(s) indicated. The fax machine I used complied with Rule 2.301 and this transmission was reported as complete and without error. Under Rule 2.304, I caused the machine to print a transmission record of the transmission report which was issued by the transmitting facsimile machine, a copy of which is attached to the original thereof.

Executed on October 10, 2007 at Encino, California.

XX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Ann A. Malone

Juan Cuevas v. Altas Realty/Financial Services Inc., et al
USDC Case No.: CV-07-2814-JF/PVT

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XX BY MAIL as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Encino, California in the ordinary course of business.

World Savings Banks
Attention: Tracy Henson
1901 Harrison Street
Oakland, California 94612